United Nations S/2010/569

Security Council

Distr.: General
2 November 2010

Original: English

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Letter dated 2 November 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism I have the honour to submit the report on the activities and achievements of the Counter-Terrorism Committee Executive Directorate from 2008 to 2010 and recommendations for future activities (see annex) as part of the comprehensive consideration by the Council prior to the expiration of the mandate of the Executive Directorate in accordance with paragraph 2 of Security Council resolution 1805 (2008).

The Committee would appreciate if this letter, together with the report, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Ertuğrul **Apakan**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

10-61688 (E) 051110

Please recycle

Annex

Report of the Counter-Terrorism Committee Executive Directorate to the Counter-Terrorism Committee on the activities and achievements of the Executive Directorate from 2008 to 2010 and recommendations for future activities

I. Introduction

1. The Security Council, in paragraph 2 of its resolution 1805 (2008), decided that the Counter-Terrorism Committee Executive Directorate would continue to operate as a special political mission under the policy guidance of the Counter-Terrorism Committee for the period ending 31 December 2010, and decided to conduct an interim review by 30 June 2009 and a comprehensive consideration of the Executive Directorate's work prior to the expiration of its mandate. The Council conducted an interim review of the work of the Executive Directorate in June 2009.

2. The present report, drawing upon the conclusions of the interim review of June 2009, summarizes the achievements of the Executive Directorate during its current mandate and offers a number of recommendations as to how the Executive Directorate might better assist States in their future implementation of Security Council resolutions 1373 (2001) and 1624 (2005). The report takes into account both the recent evolution of the global terrorist threat and the generally enhanced understanding of good counter-terrorism practices by national and international practitioners. The Executive Directorate hopes that the report will be of assistance to the Committee in its task of advising the Security Council on whether, and in what terms, the mandate of the Executive Directorate should be renewed in December 2010.

II. Implementation of the structural reorganization of the Counter-Terrorism Committee Executive Directorate

3. The Counter-Terrorism Committee, in its June 2009 interim review (see S/2009/289), noted that the 2008 reorganizational plan, which involved the creation of five technical groups and two smaller units to operate across the existing structure of three geographical clusters, had served the Executive Directorate well, enhancing its capacity to conduct its core business of engaging with Member States on their implementation of resolutions 1373 (2001) and 1624 (2005). It attributed two particular achievements over the period to the new more flexible structure: the production of the global implementation survey and the development of the technical guide to the implementation of resolution 1373 (2001).

4. This structure has continued to serve the Executive Directorate and the Committee well. The groups and the clusters were both closely involved in the production of a first revision of the global implementation survey, and have, over the past 12 months or so, delivered a series of technical briefings to the Committee and to the full membership of the United Nations. The briefings have helped to make the work of the Committee and the Executive Directorate, more transparent to the broader United Nations membership. The technical groups have also served to establish consistency in judgements by clusters regarding determinations of how

well States, regions and subregions have implemented specific elements of resolutions 1373 (2001) and 1624 (2005). The clusters, for their part, have continued to play an important role in engaging with Member States on assessments and technical assistance facilitation, and enhancing their understanding of the work of the Committee and the Executive Directorate.

III. Preparation of preliminary implementation assessments and stocktaking exercise

5. Since 2008, the Executive Directorate has prepared, and the Committee has adopted, preliminary implementation assessments for all United Nations Member States and has helped the Committee to conduct a first review, or stocktaking, of more than half of those States. This stocktaking exercise has enabled the Committee to deepen its active dialogue with Member States; to learn where States continue to face particular challenges; and, more generally, to gain a better and more detailed understanding of the state of implementation of resolution 1373 (2001) across the globe. The Executive Directorate has been able to use this stocktaking process to arrange video workshops with a number of late-reporting States (almost a dozen) and thereby engage in the capital with a range of agencies that otherwise it would not be able to reach.

6. At the same time the stocktaking is a resource-intensive exercise both for the Executive Directorate and for Committee members, so the Committee adopted, early in 2010, a simplified procedure for the consideration of the preliminary implementation assessments. However, in view of the growth in the range of other activities through which the Committee and the Executive Directorate engage with Member States, consideration might be given to conducting the stocktaking process over a longer time period.

7. As indicated in the interim report, the Committee plans to review the format of the preliminary implementation assessment in order to enhance its usefulness as a diagnostic tool. The Executive Directorate will in due course draft, in consultation with Committee members and for the Committee's consideration, proposals for revitalizing the preliminary implementation assessment on the basis of the technical guide.

IV. Country visits

8. The revised organizational plan for the Executive Directorate, endorsed by the Committee in February 2008, envisaged a more flexible approach to assessment missions, in particular, first, by allowing the Executive Directorate to contemplate shorter visits focused on one or two particular aspects of the counter-terrorism regime of the Member State concerned, and second, by opening the way for regional visits and missions aimed at considering good practices. As a result, the Executive Directorate has since been able to visit some 36 States, bringing the total number of States visited and assessed since 2005 to 59 (including follow-up visits to two States). The Executive Directorate believes that these visits still constitute an essential part of its work and are key to its understanding of how States are evolving their counter-terrorism responses. A list of States that the Executive Directorate

proposes to visit during the next two to three years will shortly be submitted to the Committee for its consideration.

9. Having achieved, as a result of the range of assessment visits, a greater understanding of counter-terrorism activities in more than 25 per cent of Member States, the Executive Directorate has a more comprehensive sense of the ongoing counter-terrorism challenges in all regions of the world. This improved understanding helps to inform and shape the global implementation survey, a document that is becoming more detailed and consistent across regions, thereby becoming more useful to practitioners and analysts within and outside Governments in many parts of the world. Importantly, this enhanced knowledge also helps the Executive Directorate to determine priorities for its regional and subregional activities and its technical assistance facilitation.

V. Major ongoing challenges for States

10. Many States face problems in achieving comprehensive implementation of resolution 1373 (2001), owing to a lack of financial resources and infrastructure, inadequate human resources and competing developmental priorities. Significantly improved implementation will therefore be possible only if States are able to build basic infrastructure and develop the capacity of their national agencies to implement their mandates fully. Even in those States, the Executive Directorate has observed that attention to four key areas of government — strengthening border control systems; building the capacity of criminal justice systems to ensure operation of the rule of law; improving coordination and information-sharing among relevant national agencies; and strengthening institutional cooperation across borders with neighbouring States — appear to have a very significant impact on counter-terrorism capabilities. This is true even where development in other sectors remains otherwise relatively limited.

11. The Executive Directorate has also noted that approaches to counter-terrorism that are founded on the rule of law tend to be more successful and enduring. Moreover, if law enforcement, border control and similar strategies are integrated into a broader, overarching counter-terrorism strategy that addresses societal tensions and other "conditions conducive to terrorism", through appropriate social, educational and cultural programmes, those strategies will be far more effective, as they tend to involve and engage key community players.

VI. Implications for the work of the Counter-Terrorism Committee Executive Directorate

12. The above observations are increasingly informing the Executive Directorate's programme of work and activities, as well as the focus of its technical assistance facilitation. For example, the series of South Asia workshops for police and prosecutors, which began in November 2009 and will continue for the next few years, are aimed not merely at enhancing the technical skills of participants from the eight participating South Asian States, but also seek to build a network that will link counter-terrorism professionals across borders in a region that has suffered grievously from terrorism.

13. Similarly, the workshop on enhancing border management held in Nairobi in June 2010 and the relevant follow-up activities are aimed not only at building skills in the field of immigration and Customs control, but also at demonstrating the value of strengthened coordination and information exchange between the eight or nine relevant national border-management agencies in each country. They also reinforce the critical importance of promoting more effective cooperation among neighbouring States to help them better share and exchange information in this field.

14. The Executive Directorate also recognizes that, in view of the need for greater cooperation among neighbouring States, regional and subregional approaches have the potential to act as force-multipliers of our work. Therefore, the Executive Directorate increasingly prefers such approaches to those that involve one State only. For very much the same reason, the Executive Directorate has actively sought to expand and broaden its cooperation with the relevant regional and subregional institutions. As an example, it has continued to develop its relationship with the African Centre for Studies and Research on Terrorism, not only because that institution is engaged in counter-terrorism training in a region where capacities are low, but also because the Centre, through its training programmes and its associated website, is building habits of cooperation among professionals in States throughout Africa.

15. The Executive Directorate obviously does not have the capacity to deliver training to all African States but, through its facilitation role and through its relationships with a growing number of donors, it can promote such training through regional or subregional institutions and, in some cases (such as the Nairobi workshop), become a catalyst for more sustained training in needed fields. Similar examples may be found with respect to the work of the Executive Directorate in parts of Europe, Latin America, and South and Central Asia.

VII. Technical assistance

16. The Executive Directorate's approach to technical assistance facilitation has evolved over the past three years. As noted above, this approach is informed by its increased understanding of ongoing counter-terrorism challenges, an understanding gained from its active dialogue with States, including within the framework of its country assessment visits. The Executive Directorate continues to make specific technical assistance referrals related to needs identified in visited States. It does so on a targeted basis to donors judged to be receptive, whether that is because they are engaged in existing programmes in a particular State or because they have a strong interest and capability in a relevant technical area. Since the introduction of the revised strategy in 2008, the Executive Directorate has made 187 such referrals, of which 43 have led to final delivery of technical assistance by bilateral or multilateral donors.

17. Increasingly, however, the Executive Directorate has taken either a regional or a thematic approach to technical assistance facilitation, as these approaches better reflect the value that a Security Council body can add to this field. Several examples of the regional approach, such as the South Asian police and prosecutors workshops and the Nairobi border management workshop, have already been noted. Another example is provided by the efforts of the Executive Directorate to facilitate the establishment of a law enforcement training centre in South Asia. Those efforts have

involved a great deal of liaison with donors, negotiations with the host State, and outreach to other States in the region aimed at encouraging regional support. A further example is the Executive Directorate's work with relevant subregional bodies and donors to hold a workshop on cooperation for criminal justice professionals in South-East Europe in October 2010.

18. An example of a thematic approach to addressing technical assistance needs is the workshop for prosecutors of terrorist cases, to be held in New York early in December 2010. The workshop will bring together practising prosecutors from jurisdictions representing all the world's major regions and legal systems to share their experiences in prosecuting terrorist cases, and, more particularly, to identify the problems posed by such cases and seek ways to resolve them. The Executive Directorate expects that participants will also identify relevant training and other needs and that relevant donors, who will participate as observers, will be in a position to respond to those needs. A further example is the work of the Executive Directorate on an initiative aimed at identifying ways to protect charities from exploitation by terrorist groups, that will be launched at an experts meeting to be held in the United Kingdom in January 2011.

VIII. Engagement with the Counter-Terrorism Implementation Task Force and other Security Council bodies

19. The Executive Directorate continues to serve as a core member of the Counter-Terrorism Implementation Task Force, contributing in particular to the work of four working groups, dealing respectively with countering terrorist financing, human rights and counter-terrorism, the integrated assistance for countering terrorism initiative (in which the Executive Directorate acts as co-Chair) and, most recently, border control (on which the Executive Directorate acts as coordinator). In addition, Executive Directorate officers maintain frequent contact and interaction with the recently established permanent secretariat of the Task Force, sharing information on planned and completed activities and providing advice and technical support as needed. The Chair of the Task Force has a standing invitation to attend all internal work coordination meetings of the Executive Directorate, and does so regularly, and the Executive Directorate, in turn, attends management meetings of the Task Force secretariat.

20. The Counter-Terrorism Implementation Task Force provides an effective mechanism for better coordinating technical assistance proposals made by various entities or referred to donors for funding. The integrated assistance initiative's database of technical assistance needs and programmes offers considerable promise in this respect. Over the longer term, stronger system-wide technical assistance coordination will likely be a key role of the Task Force secretariat and one in which the Executive Directorate would be well suited to assist.

21. The Task Force also provides a useful framework within which the three expert groups of the Security Council subsidiary bodies dealing with counter-terrorism (the Executive Directorate, the Monitoring Team of the Security Council Committee established pursuant to resolution 1267 (1999) and the Expert Group of the Security Council Committee established pursuant to resolution 1540 (2004)), can better coordinate their activities and continue to share information. Of course, such cooperation was under way, at all levels, well before the Task Force was

established. It has notably been manifested through the multiple "reporting" workshops that have been conducted by the three expert bodies, with the help of the United Nations Office on Drugs and Crime, in five regions or subregions over the past three years, as well as through the adoption by the three expert bodies of two common strategies, for engaging with late-submitting States and with international and regional organizations, respectively. In addition, the Monitoring Team has participated in a total of nine Executive Directorate assessment missions since 2008 and intends to continue this practice whenever the visit is relevant to its work. The experts of the Committee established pursuant to resolution 1540 (2004) are also considering joining future Executive Directorate assessment missions, as appropriate.

IX. Engagement with international, regional and subregional organizations

22. The Executive Directorate continues to rely heavily on a number of key partner international organizations to provide expert assistance, advice and support (including, on occasion, logistical and funding support); for assistance with assessment missions, conferences and workshops; and for the provision of technical assistance pursuant to Executive Directorate referrals. The partners include the Terrorism Prevention Branch and the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime, the Financial Action Task Force on Money Laundering, the International Civil Aviation Organization (ICAO), the International Maritime Organization, the International Criminal Police Organization (INTERPOL), the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Customs Organization and the World Bank.

23. As noted above, the Executive Directorate has also established particularly strong relations with certain regional and subregional organizations, including, inter alia, the Caribbean Community and the Inter-American Committee against Terrorism of the Organization of American States, in the Americas; the African Centre for Studies and Research on Terrorism, the African Union, the Eastern and Southern African Anti-Money-Laundering Group, the Economic Community of West African States (ECOWAS), the IGAD Capacity-Building Programme against Terrorism (ICPAT), the Intergovernmental Action Group against Money Laundering in West Africa and the Southern Africa Development Community, in Africa; the Committee of Experts on the Evaluation of Anti-Money-Laundering Measures and the Financing of Terrorism, the Council of Europe, the European Union, Eurojust, the Organization for Security and Cooperation in Europe, the Shanghai Cooperation Organization and the Commonwealth of Independent States, in Europe; the Pacific Islands Forum, in the Pacific; and the Asian Development Bank, the Association of Southeast Asian Nations and the South Asian Association for Regional Cooperation, in Asia.

24. Specific examples of cooperation during the reporting period include work with ICAO, UNHCR and regional bodies to facilitate assistance to States that are not currently issuing ICAO-compliant machine-readable travel documents; work with INTERPOL to create an international database of lost or stolen firearms, to be incorporated into the I-24/7 police global secure communications system; the hosting, together with ICPAT, of a workshop on regional border security in Uganda;

the hosting, together with the World Bank, of a counter-financing of terrorism workshop for members of the Pakistan National Parliament in Islamabad; and the hosting, together with IOM, of the border-management workshop in Nairobi.

X. Human rights

25. The Executive Directorate staff includes one Senior Human Rights Adviser, who is responsible for ensuring that human rights considerations are appropriately taken into account in the ongoing dialogue with Member States on the implementation of resolutions 1373 (2001) and 1624 (2005). Moreover, as part of the 2008 reorganizational plan, a technical group, bringing together experts from all clusters, was established to develop strategies that better promote human rights aspects in all of the Executive Directorate's counter-terrorism activities. This group has been one of the most active in the Executive Directorate, having notably organized and delivered briefings to the Committee and arranged for visiting human rights experts to brief the Committee, as well as Executive Directorate staff.

26. As noted above, the Executive Directorate, through its dialogue with Member States, has become increasingly convinced that counter-terrorism strategies can be fully effective in the long term only if they are firmly grounded in the rule of law and comply with international human rights and humanitarian obligations. For this reason, the Executive Directorate always raises such issues in the course of country visits, video workshops and other exchanges, and sees future value in working more intensively with States on the practicalities of such approaches. The Executive Directorate believes that, although it is simply ineffective to lecture States about human rights, if the relevant national agencies can be convinced of the benefit of practical rule-of-law approaches (including those implemented through engagement with the community rather than through intimidation), and are persuaded that the country's overall counter-terrorism defences will be substantially enhanced as a result, they are much more likely to adopt such approaches.

27. The Executive Directorate continues to enhance its cooperation with the Office of the United Nations High Commissioner for Human Rights and UNHCR, including through joint development of relevant technical assistance for States in the human rights and refugee fields. The Executive Directorate has also established an active dialogue with the Special Rapporteur on the promotion and protection of human rights while countering terrorism and draws on his reports in preparing for assessment missions. With respect to broader outreach, the Executive Directorate should continue to act in accordance with the Committee's human rights policy guidance, which directs it to incorporate human rights into its communications strategy. This remains necessary, in part, in order to dispel misconceptions over the extent to which the Executive Directorate takes account of human rights in its work.

XI. Implementation of Security Council resolution 1624 (2005)

28. Security Council resolution 1624 (2005), which deals with the issue of incitement to terrorism, has grown in importance in the work of the Executive Directorate, as it provides a vehicle and a context for discussing with Member States their approaches and strategies with respect to the challenges of extremism and intolerance, particularly among youth. As noted above, it has become clear that

counter-terrorism measures are most effective when they are implemented in the context of a broad strategy that incorporates attention to the factors that contribute to extremism, including by ensuring that those involved in recruiting for terrorist groups or inciting terrorist acts are prevented or dissuaded from doing so. However, this is far from a simple exercise, not least because the national agencies that have traditionally worked in the counter-terrorism field (such as the police, immigration and Customs services and intelligence agencies), are not necessarily the agencies responsible for policies aimed at countering the appeal of extremist and hate-based ideologies. Indeed, the most effective implementers of such strategies in these areas are often not Government agencies at all, but rather civil society or religious authorities.

29. This reality poses significant challenges for most Governments and demonstrates the importance of establishing appropriate overarching national counter-terrorism mechanisms that can develop and help to implement a comprehensive national counter-terrorism strategy. Assisting States, with their consent, to develop such tools is an area in which the Executive Directorate hopes to devote future efforts, in addition to identifying and promoting good practices to address the issues of incitement to terrorism and countering incitement motivated by extremism and intolerance, as required both by resolution 1624 (2005) and by the United Nations Global Counter-Terrorism Strategy.

XII. Public communications and outreach

30. The Executive Directorate has an active communications strategy that focuses on engagement with Member States, international organizations, relevant academic research institutions, civil society and the private sector with a view to enhancing their understanding of, and engagement with the Committee and the Executive Directorate. This work is being merged, to a certain extent, into the broader public communications approaches being coordinated through the Counter-Terrorism Implementation Task Force and the Department of Public Information, which is an active member of the Task Force. Since for most purposes the United Nations needs to convey one common message on counter-terrorism, it is appropriate for the Task Force to take the lead in this respect, although the Executive Directorate will also need to maintain its independent public profile and ensure transparency as to its own procedures, as appropriate.

31. The Executive Directorate also maintains and constantly updates the Committee's website, which is user-friendly, informative and current. The website is completely revitalized on a periodic basis to better reflect the interests of Committee members. The website is also updated in all six official languages whenever updates are made to the English version. The Executive Directorate also maintains an up-to-date press kit, which is particularly useful during visits to States, during which it often engages with agencies that do not normally deal with the United Nations. The Executive Directorate has also made efforts to engage with the private sector, both to draw on its knowledge and experience in technical fields (for example the Internet) and to seek private sector support for counter-terrorism programmes in particular States.

XIII. Proposed future activities

32. Should the Security Council decide to renew its mandate, the Executive Directorate proposes to continue the approaches discussed above and to pursue initiatives already launched or planned. These include:

- Continuing to develop the South Asia police and prosecutors workshops
- Following-up on the East African border-control workshop through further, more specific initiatives in the subregion
- Continuing and expanding the programme of video workshops with capital-based officials from late-reporting States
- Replicating the model of the Nairobi workshop on border control in West Africa and southern Africa
- Organizing a workshop on Customs and maritime security in the Caribbean, co-hosted by the Inter-American Committee against Terrorism, with a focus on cargo security and risk management
- Building on the Executive Directorate-OSCE Central Asian workshop to be held in November 2010 on resolution 1624 (2005) and countering incitement motivated by extremism, through similar initiatives in other regions
- Follow-up on the workshop of May 2010 on maritime security, organized jointly with IMO and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Gabon, through specific initiatives for the subregion
- Following-up on the South-East Europe workshop on subregional cooperation in criminal justice matters held in October 2010, through activities that build on the workshop's conclusions
- Following-up on the prosecutors workshop to be held in December 2010, through activities that promote enhanced communication and a stronger network of prosecutors
- Continuing work to establish a South Asian law enforcement training centre
- Working to establish a regional counter-terrorism strategy and plan of action among ECOWAS States, supported by a unit within the ECOWAS Commission
- Organizing a special meeting of the Committee, bringing together relevant international, regional and subregional organizations of one specific region.

33. The Executive Directorate further proposes to work directly with States, with their consent, to develop broad and properly integrated national counter-terrorism strategies, as well as mechanisms to implement them. One recently visited country has indicated, in principle, its agreement to such an approach. The Executive Directorate would ensure that compliance with the provisions of resolution 1624 (2005) figures prominently in such strategies and mechanisms. Another area in which the Executive Directorate sees scope for further work is enhanced integration of human rights approaches into counter-terrorism programmes. Although the development of such approaches might most appropriately be carried out within the Counter-Terrorism Implementation Task Force and under the umbrella of the Global

Strategy, the Executive Directorate would be in a good position to "road test" them as they are developed.

XIV. Organization and operation of the Counter-Terrorism Committee Executive Directorate

34. The Executive Directorate believes that it currently has adequate staff to carry out an ambitious programme of activities under a new mandate, both in New York, in support of the Committee and in cooperation with its Task Force partners, and in the field, in conducting assessment visits, workshops and advisory missions to Member States.

35. The Executive Directorate proposes three minor adjustments to its organization and operational practice to reflect better its changed priorities and proposed new activities.

36. First, it proposes that one of the two D-1 positions no longer serve as a Head of Cluster. Instead, the D-1 would serve as the Deputy Head of the Assessment and Technical Assistance Office and as coordinator of a new unit, devoted to implementing special projects on a cross-cutting basis and having overall responsibility for organizing activities that involve particular liaison and logistical challenges.

37. Second, it proposes to send staff members on short-term assignments to carry out specific activities in the field, if appropriate resources are available. An example would be placing an Executive Directorate officer in the ECOWAS secretariat for several months to assist in the development of its subregional counter-terrorism strategy. It might also be possible to accept officers on secondment from international, regional and subregional organizations engaged with the Executive Directorate on common activities, for the duration of the activity in question (for example, organizing a conference or workshop).

38. Third, the Executive Directorate proposes that it be given the authority to accept extrabudgetary funds from donors for specific activities. As it currently has no such authority, it is obliged, each time it organizes an event (the South Asian or East African workshops, for example), to identify a partner organization that can hold and dispense donor funds. This has proved to be an adequate ad hoc arrangement, but as the Executive Directorate becomes more deeply engaged in such activities, there will be circumstances that dictate its management of a budget allocation and subsequent dispersal of the funds. It is proposed that the acceptance and use of extrabudgetary funds would be subject to the approval of the Committee, on a case-by-case basis.

XV. Conclusions

39. The Executive Directorate has continued to evolve, over the past three years, in response to the needs and wishes of the Committee and as its comparative advantage in the crowded international counter-terrorism field has become clearer. That comparative advantage lies, in part, in the fact that the Committee and the Executive Directorate, as subsidiary organs of the Security Council, carry the Council's full weight and authority. The Executive Directorate is thus able to

promote the importance of instituting counter-terrorism measures; help give legitimacy to such action, internationally, regionally and nationally; and encourage Governments to work with their neighbours so that their common counter-terrorism defences are as effective as possible. Moreover, as a body of technical experts, the Executive Directorate, working in close cooperation with partner organizations — whether specialized, regional or subregional — is able to offer sensible, impartial advice in a field that is fraught with real practical difficulties. The Executive Directorate believes that, in view of the ongoing and evolving threat posed to Member States by terrorism, this will continue to be important and relevant work.